

February 14, 2014

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**Subject: Comments on Proposed Changes to CEQA Guidelines - Traffic Level of Service Metrics**

Thank you for requesting comments on the proposed changes to CEQA guidelines metrics for traffic level of service. KOA is a transportation planning and engineering firm in Southern California, and has been conducting traffic studies for more than 25 years. Our comments on the pending OPR recommendations for CEQA guideline changes are provided within this letter.

**Our Understanding of SB743**

California State Senate Bill (SB) 743 – “Environmental quality: transit oriented infill projects, judicial review streamlining for environmental leadership development projects, and entertainment and sports center in the City of Sacramento” – enacts the following:

- Requires OPR to propose revisions to the CEQA Guidelines to establish new, non-LOS criteria for determining the significance of transportation impacts of projects within "transit priority areas."
- Provides that automobile delay, as described solely by LOS or similar measures of capacity or congestion, shall not support a finding of significance pursuant to CEQA, except in locations specifically identified in the guidelines, once these guidelines are certified by the Secretary of the Natural Resources Agency.
- Authorizes OPR to adopt CEQA Guidelines establishing metrics for analysis of transportation impacts that are alternatives to LOS to be used outside transit priority areas.

With these elements as the main focus of the legislation, the question then becomes how to best define what traffic studies that are part of environmental documents need to accomplish within and outside of the newly-defined transit priority areas. The following discussion provides KOA's position on how OPR should move forward with CEQA guidelines changes.

If CEQA defines the word “environment” as “the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance”, then revisions to CEQA guidelines need to continue to acknowledge that traffic congestion can create adverse effects on air quality due to not only an increase in the number of automobile trips but the idling time for each vehicle. The revisions, logically, would promote a decrease in automobile trips through the use of alternative and active modes of transportation including public transit, walking, and bicycling, as well as telecommuting. The ability for a project to provide a commensurate level of roadway improvements as mitigation

for the automobile trips generated would need to be retained in areas outside of transit priority areas. Such measures may be needed in areas where alternative-mode infrastructure projects and/or implementation plans are not available for fair-share contributions by the development.

It is stated within the legislation that one of the intents of the Legislature in adopting SB743 is to “Ensure that the environmental impacts of traffic, such as noise, air pollution, and safety concerns, continue to be properly addressed and mitigated....” It is also stated in Section 1 that “New methodologies under the California Environmental Quality Act are needed for evaluating transportation impacts that are better able to promote the state’s goals of reducing greenhouse gas emissions and traffic-related air pollution....” A reduction in automobile trips through promotion of and improvement of the multimodal transportation system is clearly a goal of the legislation, or will be a necessary way to implement it.

It is understood that the factors being weighed by OPR in the development of the revised CEQA guidelines are as follows:

- OPR seeks criteria that will lead to efficient use of limited fiscal resources.
- OPR seeks to develop criteria that maximize environmental benefits, and minimize environmental harm.
- OPR seeks ways to expand opportunities for transit-oriented development so that residents minimize traffic and pollution impacts from traveling for purposes of work, shopping, school, and recreation.
- OPR seeks to minimize adverse health outcomes associated with vehicle emissions, collisions and noise.

Though this advice must be developed within the updated CEQA guidelines, OPR has indicated that it recognizes that automobile/roadway operational issues may be still be relevant in the context of evaluating transportation impacts outside of the CEQA process.

### **Wholesale Removal of Auto-Based LOS is Wrong Direction**

It is the intent of the legislation that automobile delay may only be treated as an environmental impact “in locations specifically identified in the guidelines, if any.” This creates some ambiguity, if the goal is to lessen or remove the requirement for vehicle level of service analysis, as many methodologies such as Circular 212/Critical Movement Analysis or Intersection Capacity Utilization provide analysis output that is a volume-to-capacity or v/c ratio. It is assumed that “v/c” and “delay”, for purposes of automobile-based operations and level of service analyses, can be used interchangeably for the overall discussion of CEQA standards. OPR work on the revised guidelines should clarify this.

The bill states that once the CEQA Guidelines establish these new criteria, “automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment.”

There will clearly be interest if not an expectation amongst the public, when a project goes through entitlements, public meetings, and hearings/conditions, to have an idea of how much overall traffic congestion will be caused by the project-generated trips. Vehicle/roadway level of service has been a metric that elected officials, city staff and commissioners, and the public at-large have been comfortable with and have developed an understanding of.

Traffic congestion affects transit service quality, pedestrian travel/crossing comfort level and safety, bicyclist travel comfort and safety, and most importantly it also affects air quality. If OPR decides to remove vehicle level of service metrics completely from CEQA guidelines, or only within transit-priority areas, local agencies will need to be able to retain the ability to study vehicle trip generation and distribution, roadway travel delay or capacity issues, and residential neighborhood traffic impacts.

A focus of the revised guidelines should be on the separation of the analyses of regional transportation impacts/greenhouse emissions as pertaining to CEQA from the localized traffic and air quality impacts for projects that do not pertain to CEQA.

### **Creating a Void in Analysis and Context Sensitivity**

The last metric proposed by OPR is defined as "assume that developments in transit priority areas are less impactful." Challenges to CEQA documents often are initiated when a document assumes that there is not an impact, but in the end the document must study the issue and prove the absence of the significant impact. Studies meeting local guidelines will need to continue to address local circulation and safety.

An important issue to be tackled in the pending guidelines revisions is whether traffic LOS should be discarded outside of transit priority areas. If a VMT or other metric was used within transit priority areas and the standard vehicle LOS metric was used outside, there would be potential encouragement of mixed-use and context sensitive projects (but focusing on non-auto modes) in the infill areas and the status quo would remain outside of the infill areas.

The guidelines should provide flexibility in this hard line between the transit priority areas and the outside areas, and projects with traffic study areas that straddle this boundary should also be given flexibility in methods to achieve compliance with the guidelines. Furthermore, a single transit stop within a half mile servicing two intersecting bus lines should not be considered the same in the criteria as multiple transit stops within a quarter mile serving both rail and/or Bus Rapid Transit and a number of local bus routes. Context sensitivity is important, and auto-based analysis should be provided for in areas marginally served by transit and other special cases.

If the primary goals of SB743 are to reduce greenhouse gas emissions and traffic congestion by promoting infill, development in transit-oriented areas, and promoting walkable, mixed-use communities, then areas outside of the transit priority areas should continue to take into account all travel modes in traffic studies. In many areas roadway improvements for auto travel will still be necessary to reduce congestion especially where roadways are not adequate to handle the future demands of all travel modes combined.

### **Pros and Cons of Various Replacement Measures**

In the "Preliminary Evaluation" document, the six candidate metrics listed so far are VMT, automobile trips generated, multimodal level of service, fuel use, motor vehicles hours traveled, and "presumption of less than significant transportation impact based on location." As we see them, the pros and cons of some typical new metrics for CEQA traffic impact determinations are listed below.

### Average Trips Generated or AGT

Under application of only this metric, a project would be analyzed by applying trip generation rates, perhaps with the addition of mode split estimated from a Regional Transportation Plan or Congestion Management Program, and the local agency would use those trip totals to apply an in-lieu mitigation measure fee. Mitigation would not be viable without an implementing plan and a clear schedule to implementation within a project timeframe. Requiring local agencies to adopt such plans would take considerable resources and a significant amount of lead time. It is very likely that many small cities/agencies would not have the time or resources to undertake or require this type of analysis.

This metric, as proposed, would not take into account that many of the automobile trips with one end at a site may be longer or shorter than a regional average. It also does not address distribution to area facilities. The use of mode-specific trip generation calculations is also not addressed by the proposed metric. The proposed metric also is not clear on the specified time period(s) for analysis (PM peak hour, weekday daily, weekly total, etc.) to be used. The details not yet defined by OPR are extremely important for the necessary relationship between the generation of greenhouse gas emissions by projects and the contribution to transportation congestion.

**PROS:** Impact fees would be captured by local agencies for any size project, unless guidelines state that project with trip generation totals below a certain threshold are exempt from the fee. Developers and applicants would not be paying potentially significant fees on new traffic counts for every study.

**CONS:** Distribution of traffic and the pattern of localized area traffic impacts would not be determined. The local mitigation measure program may apply mitigation fees to improvements in other neighborhoods, or to regional alternate transportation projects that might be far from the local area. Passing the Nolan or Dolan test - nexus and gross proportionality – would be difficult, without the presence of an area plan that has a menu of improvements that need funding and a related fee program, and a defined plan/schedule for implementation.

### Vehicle Miles Traveled or VMT

Vehicle Miles Traveled (VMT) is a measure that can be estimated, and often is only estimated by environmental firms based on trips generated and average trip length for the region, but is best evaluated in a regional model so that land use and local and regional travel patterns are evaluated. Further, the effect on non-project trips should be taken into account. A regional model would provide estimates of the attraction between job centers and residential areas, while more complex projects such as mixed-use developments have complicated trip patterns due to a combination of uses. A mere estimation of the VMT value should not be relied upon to provide the public an accurate picture of the potential development impacts. Done properly and with a proper data basis, fuel use and motor vehicle hours driven might be able to be calculated on a segment by segment basis. Much like the trips generated metric, VMT would be applied to a in-lieu fee program for area mitigation of impacts. The mitigation applicable measures would not necessarily be applied locally.

**PROS:** Provides an improved metric over ATG, in that the intensity of travel by project-generated trips in terms of distance, would be estimated. This metric relates more to greenhouse gas creation than ATG. Existing models

that have been developed for CMPs and RTIPs could be used to establish VMT parameters, by land-use, or model zones, thereby simplifying the regional impact portion of a traffic study.

**CONS:** To estimate VMT in a reliable manner, a regional model would need to be used that includes a mode choice sub-model. Such models may not be available in all areas, or the use of them would potentially lengthen project review schedules (if local jurisdiction staff is required to run models) and/or additional expense (running the model for a selected projects by jurisdiction staff or consultants, if the model is made available for outside use). Even establishing a set of parameters for all projects based on existing models would require a large amount of effort. Furthermore, passing the Nolan or Dolan test - nexus and gross proportionality – would be difficult, without the presence of an area plan that has a menu of improvements that need funding and a related fee program, and a plan/schedule for implementation that overlaps a project timeframe.

#### Multimodal Level of Service or MMLOS

Robust multimodal LOS measurements are fairly new in the realm of transportation planning, and are still developing. Some measures, such as qualitative measure for the pedestrian environment, are not yet sensitive on a quantitative basis in terms of variables for input (the supporting nature of the built environment, etc.) Other measures, such as the presence of a buffer between vehicle lanes and bicycle or pedestrian facilities, are potentially overstated in terms of benefit or not appropriate for all areas. The inputs to a corridor MMLOS analysis are intense, and require a micro-level analysis of travel behavior, perceived comfort levels, and the detailed nature of the built roadway and developed environment. The travel quality type of output, however, can be more helpful to an understanding of mobility before and after a project. A project impact on bicycle or pedestrian facilities can often be difficult to gauge. Many measures for multimodal travel, therefore, would primarily be identifying existing deficiencies rather than project impacts. The resulting mitigation measures would not necessarily be focused on reducing a project's impact on the transportation system.

**PROS:** Provides a better understanding of travel quality than automobile capacity-focused measures. Provides a single measure for each mode, so they can be analyzed together and compares within a traffic analysis.

**CONS:** The MMLOS analysis methodology is still developing. Its primary application is for urban arterials and therefore doesn't apply to other facility types such as residential streets, freeways or regional greenhouse gas emissions. The automobile LOS portion of MMLOS is the older arterial speed method, and therefore may promote higher travel speeds and conflict with multimodal plans.

#### Other Metrics

Metrics for fuel used and motor vehicle hours traveled would roughly have the same pros and cons as the VMT metric. The application of lesser impact standard for transit-priority areas would be a better application than the potential assumptions of the lack of impacts by developments within transit-priority areas, in regards to the final potential metric proposed by OPR. Unless a County CMP, General or Specific Plan, or similar document such as a nexus/fee study and plan, has defined the existence or way toward a finding of no significant impacts, the defensibility of the related CEQA document would be in jeopardy. The ability of a project or existing local transportation system to support the finding of no significant impacts will vary based on the intensity/quality of transit service, the land use and transportation network patterns, economics, and the mix and orientation of

proposed project land uses. Therefore, a basis does not exist for a “one-size-fits-all” lessening of the standard for all areas classified as transit oriented.

KOA recommends that for projects outside of transit priority areas, traditional vehicle LOS metrics be applied, but that additional metrics supporting multimodal analysis be considered for larger projects in a CEQA analysis, especially with regard to greenhouse gas emissions and regional transportation impacts..

### **The Spirit of the Complete Streets Movement**

The Complete Streets movement has codified the intent of planners and engineers that have been working together over the last decade or more to acknowledge that multiple modes need to be treated more equally in terms of capacity provided on roadway facilities. Sometimes this is done as an acknowledgement of the inability to directly mitigate identified traffic impacts, and then shifts to other modes are used to qualify the use of overriding considerations in a final EIR.

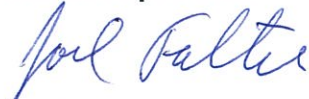
The City of Los Angeles, as one example, has adopted numerous revisions to its traffic study guidelines over the past few years. The current guidelines provide numerous ways to mitigate a project’s impacts, through traditional roadway capacity increases or traffic signal operations improvements, bike facility improvements, transit capital/operating improvements, and pedestrian network improvements.

This type of updated guidelines document provides flexibility to a project applicant in determining impacts and developing mitigation measures. Improvements in the automobile network are not always possible or desirable in the project vicinity. Often the mitigation measures do not provide benefits and improvements that would both properly offset a project’s impacts and provide a tangible change in travel quality for all modes. Improvements in some alternative mode facilities do not always translate directly to a decrease in automobile trips, unless a deficiency or capacity issue for the alternative mode is addressed.

If the guidelines will result in better development and mobility within areas served by high-quality transit, greenhouse gas emissions will be reduced and there will be ever-improving alternatives to the automobile, the legislation will certainly have achieved its intended goals. OPR should test its final guidelines against the concept of fairness to project applicants, the spirit of the Complete Streets movement, the creation of true multimodal networks, and the continued concerns of residents, business owners, and local engineers and planners related to congestion, economic vitality, goods movement, and travel safety.

Sincerely,

**KOA Corporation**



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